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Circular Letter No.4228
23 March 2020

To: All IMO Members
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Kingdom of the Netherlands**

The Government of the Kingdom of the Netherlands sent the attached communication, dated 20 March 2020, with the request that it is circulated by the Organization.



Ministry of Infrastructure
and Water Management

> Return address Postbus 20904 2500 EX Den Haag

To: The Secretary-General
of the International Maritime Organization
4 Albert Embankment
SE1 7SR London
United Kingdom

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Maritime Affairs
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Our reference
IENW/BSK-2020/55442

Enclosure(s)
1

Date 20 March 2020
Subject Coronavirus (covid-19) outbreak

Dear Mr. Secretary-General,

On behalf of the director Maritime Affairs of the Ministry of Infrastructure and Water Management please find attached the Coronavirus (COVID-19) Contingency Plan and Guidelines from the Netherlands Human Environment and Transport Inspectorate containing measures that are taken in relation to the certification of seafarers and the survey and certification of Netherlands flagged vessels.

These measures are the consequence of the many necessary restrictions that are taken worldwide, in particular on travelling, as a consequence of the Coronavirus (COVID-19) outbreak and are notified to the Organization in response to IMO's Circular Letter No.4204/Add.5.

It would be appreciated if you could bring this notification to the attention of the Contracting Governments.

Yours sincerely,

K. Metselaar
Alternate permanent representative of the Kingdom of the Netherlands to the IMO



Coronavirus (COVID-19) Contingency Plan and Guidelines

**Human Environment and
Transport Inspectorate**
Shipping Certification,
Coordination and Plan
Approval

Zwijndrecht
Postbus 16191
2500 BD Den Haag

Contact
Human Environment and
Transport Inspectorate

nsi-tez-kv@ilent.nl

Date
19 March 2020

Scope

This contingency plan applies to all ships flying the flag of the Netherlands, including fishing trawlers \geq 75 meter.

Whilst compiling this section of the contingency plan and guidelines the Human Environment and Transport Inspectorate has taken IMO Circular Letter No.4204/Add.5 of 17 March 2020 into account.

Background

Since the outbreak of the coronavirus disease in 2019 (COVID-19), the Human Environment and Transport Inspectorate has received inquiries from ship-owners and Recognized Organizations (RO's) regarding postponement of inspections and extending the validity of mandatory certificates due to difficulties caused by the COVID-19 outbreak. This includes an extension of statutory certificates or postponement of bottom inspections as a result of unavailable dry-dock facilities as well as timely completion of ISM Internal Audits and ISM/ISPS/MLC periodical verifications. Certificates of Competency, Certificates of Proficiency and Minimum Safe Manning Documents are taken into account as well.

Travelling, both nationally and internationally, has become increasingly difficult as travel bans have been imposed. Combined travel restrictions given by governments and companies cause difficulties with providing ships surveyors. Furthermore, numerous shipyards are not able to accommodate vessels, even for booked and planned inspections and surveys which require dry-docking.

Based on the above conditions, the Human Environment and Transport Inspectorate considers the COVID-19 outbreak to be a **force majeure** situation. For the Human Environment and Transport Inspectorate, the main focus is that ships registered under the flag of the Netherlands are able to continue to operate despite possible expired certificates caused by the current COVID-19 situation.

Survey and Certification of ships flying the Dutch flag

The shipowner is responsible to ensure that all ships are operating according to all applicable regulations.

The Human Environment and Transport Inspectorate has decided that all ships' certificates which expire before **June 19th 2020** will remain valid for **3 months**

without approval from the Human Environment and Transport Inspectorate or the RO.

The extension will also apply to certificates issued by service providers conducting services on behalf of the Administration or RO, including, but not limited to service providers re-certifying life-saving equipment, fire-fighting equipment or radio equipment.

The subject ship certificates are not required to be replaced by new certificates on which the extended date of expiry is stated.

Human Environment and Transport Inspectorate
Shipping Certification,
Coordination and Plan
Approval

Date
19 March 2020

The above also applies in relation to expiration of the validity of certificates due to the fact that required annual / periodical / intermediate / renewal surveys cannot be held within the expiry of the window by **June 19th 2020**.

In such cases where surveys are to be held / completed outside the time window, Human Environment and Transport Inspectorate will agree with that. The appropriate text for restore shall be used in these cases. The scope of survey that is to be used, may be the same as if subject survey would have been held within the original window.

Furthermore, the annual ISM internal audits are postponed for **3 months**, as described in paragraph 12.1 of the ISM Code in cases where audits cannot be carried out due to travel restrictions imposed by COVID19.

The ship owner shall notify the RO's Netherlands branch office in case they make use of the above- mentioned provision.

All cases shall be reported afterwards by the RO and sent to: nsi-tez-kv@ilent.nl

A Statement of this special arrangement can be found on the ILT website (www.ilent.nl) which can be shown if a ship flying the Dutch flag is inspected.

Joining and Repatriation of seafarers from ships

The instructions and restrictions issued by several affected countries is constantly updated.

Many Governments have now introduced national and local restrictions such as:

- Delayed port clearance
- Prevention of crew or passengers from embarking or disembarking which makes shore leave and crew changes impossible
- Prevention of unloading or loading cargo or stores, or taking on fuel, water, food and supplies
- Imposition of quarantine or refusal of port entry to ships in extreme cases

Passengers at airports can be screened before boarding an aircraft or they are obliged to fill in a health check questionnaire as well as a thermal scan test. The Master should verify with the local port authority if crew change or repatriation is possible.

Exemptions to the Minimum Safe Manning Document (MSMD)

If a crew member needs to leave the ship due to urgent circumstances and cannot be replaced immediately due to COVID-19 travel restrictions, a

dispensation can be requested for with the use of the form: "Application for temporary exemption for crew composition", which can be downloaded from: <https://english.ilent.nl/documents/forms/2016/10/20/form-application-temporary-exemption-for-crew-composition> (English) or <https://www.ilent.nl/onderwerpen/aanvragen-certificaten/documenten/formulieren/2016/10/20/formulier-aanvraag-tijdelijke-ontheffing-bemanningsamenstelling> (Dutch).

Human Environment and Transport Inspectorate
Shipping Certification,
Coordination and Plan
Approval

Date
19 March 2020

Subject temporary dispensation for the crew composition will have a period of validity of at least three months.

Issue or Revalidation of a Dutch Certificate of Competency (CoC) or a Certificate of Proficiency (CoP) for tankers, Polar Code or IGF

In order to face community based mitigation measures surrounding COVID-19, the Human Environment and Transport Inspectorate will grant a general extension for the validity of the following merchant marine personnel certificates:

- Certificates of Competency;
- Certificates of Proficiency;

The Human Environment and Transport Inspectorate has received several indications that seafarers may experience challenges completing STCW training courses required for the renewal of certain merchant marine personnel certificates. This could be caused by community based mitigation measures such as school closures, social distancing, or travel restrictions.

As a result, the Human Environment and Transport Inspectorate will grant a general extension to the validity of all Certificates of Competency and Certificates of Proficiency which are required by the Dutch Manning Act and accompanying legislation.

As of **March 19th 2020**, the validity of Dutch Certificates of Competency and - Proficiency which will expire before **June 19th 2020**, are granted an extended validity of **4 months** (from date of expiry). The individual seafarer will not be required to submit an application for renewal pending the COVID-19 related restrictions. After the period of 4 months, it will be evaluated if this period will be extended for another period of 4 months.

The extended validity has been granted in order to provide sufficient time for the situation to get back to normal, and to avoid reduced capacity issues when new STCW courses are offered.

For the sake of good order it is noted that Kiwa Register provides the possibility of digitally applying for a Dutch Certificate of Competency. This service will remain in place for seafarers who are in a position to submit such an application. For more information see: <https://www.kiwaregister.nl/productpagina-scheepvaart>

As soon as new Certificates of Competency and Certificates of Proficiency can be issued, their period of validity of five years will start from the expiry date of the previous certificates

Dutch Seaman's Book

As of March 19th 2020 the validity of Dutch seaman's books which will expire before **June 19th 2020**, are granted also an extended validity of **4 months** (from date of expiry).

Certificates of Proficiency (CoP) for ratings

CoPs for ratings of which the validity has been extended by a generic measure by the subject administration will also remain to be accepted as valid for service on board Dutch flagged ships.

Issue of a Recognition of a Certificate of Competency where a seafarer is unable to disembark the ship

The validity of Dutch endorsements will be linked to the validity of the seafarer's national Certificate of Proficiency (CoP) or Certificate of Competence (CoC). If the seafarer's national CoC or CoP is renewed, it will be possible to apply for a new endorsement at KIWA Register. The seafarer will then automatically be granted a Certificate of Receipt of Application (CRA) and will be able to sail on Dutch ships for up to 3 months.

However, when a seafarer is unable to apply for a new CoC in his home country, he must request the maritime authority of the home country to issue a Statement to prolong the validity of the original CoC for a limited period of several months (e.g. three months). When such a Statement is provided, KIWA Register can issue a (second) CRA to enable the seafarer to continue to work on board.

If the administration that has issued the seafarer's national CoC or CoP chooses a general extension of the validity of the national CoC or CoP, the validity of the Dutch endorsement issued based on the current CoC/CoP will automatically be considered extended accordingly.

Also in this case, the seafarer will not be required to submit an application.

Seafarers with expired Certificates of Proficiency (= safety training)

For a Dutch CoC holder whose Safety Training certificates have expired or will expire before **June 19th 2020**, are granted also an extended validity of **4 months** (from date of expiry), provided that the certificates were valid on March 1st 2020.

A Statement of the above mentioned measure will be provided on the ILT website (www.ilent.nl).

Maritime Labour Convention (MLC 2006)

Seafarers who are onboard a ship beyond their Seafarer Employment Agreement (SEA) for reasons connected to COVID-19.

The company shall inform its seafarers at all times of the risks of infection, the reasons why they must remain on board, the protective measures which have been taken, and the arrangements for their repatriation.

**Human Environment and
Transport Inspectorate**
Shipping Certification,
Coordination and Plan
Approval

Date
19 March 2020

A SEA shall remain valid until the seafarer has been repatriated. If the SEA has expired, the validity of the SEA must be extended or a new SEA shall be issued and the reasons for this decision shall be documented. The company shall make sure that the seafarers are repatriated at the first available opportunity. Any extension of an SEA shall be recorded in the ship's official logbook.

Human Environment and Transport Inspectorate
Shipping Certification,
Coordination and Plan
Approval

Date
19 March 2020

Shipowner liability

Shipping companies remain liable for costs pending repatriation such as medical care, crew transfer, isolation etc. If in doubt, please contact the financial security provider to confirm that the insurance or other financial security is in place for additional costs.

Seagoing service

All days spent on the ship when it is fully crewed and operational or warm layed-up, although not carrying cargo, will be accepted as valid seagoing service for the revalidation of the CoC.

Seafarer Medical Certificate

If a Seafarer Medical Certificate expires during the voyage **or at** a location where it is not possible to obtain a new medical certificate, the medical certificate which is expired can still be used for a period of maximum 3 months beyond the expiry date, see Seafarer's Act article 47:
(<https://wetten.overheid.nl/jci1.3:c:BWBR0009124&hoofdstuk=4¶graaf=2&artikel=47&z=2020-01-01&q=2020-01-01>)

Based on article 113 of the Seafarers Decree expired Seafarer Medical Certificates with an expire date in between **March 19th and June 19th 2020** are recognized as valid Seafarer Medical Certificates.

For the application of a CoC at KIWA Register the Seafarer Medical Certificate may be expired for maximum 3 months.

Port State Control

Port State Control has issued the TEMPORARY GUIDANCE RELATED TO COVID-19 FOR PORT STATE CONTROL AUTHORITIES on March 18th 2020 in which they require that when a ship does not comply with the requirements of the surveys, inspections and audits contained in the relevant convention instruments, the ship must provide evidence to the port State that the Flag state has agreed to an exceptional delay specific to COVID-19. There should also be evidence that the ship has a plan that covers how the ship will be brought back into the regular survey or audit cycle.

Important information

The *Rijksinstituut voor Volksgezondheid en Milieu* (RIVM) is leading in the response of the Netherlands to the Coronavirus (COVID-19) global outbreak. The latest news you can find here: <https://www.rivm.nl/coronavirus/covid-19>.

Further information can be found on:

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

and in the Circular(s) issued by the IMO (ICS Coronavirus (COVID-19) Guidance for ship operators for the protection of the health of seafarers)

For questions please contact: nsi-tez-kv@ilent.nl or **088-489 0000**

The Human Environment and Transport Inspectorate will notify the IMO secretariat, the relevant stakeholders such as Port State Control MoU's of this contingency plan and guidance.

This contingency plan has been drawn up taking into account the current information available concerning the Covid-19 crisis. Any significant developments necessitating a revision of this document will be considered by the Human Environment and Transport Inspectorate and implemented accordingly.

The Minister of Infrastructure and Water Management,

On his behalf,

The Head of Department Human Environment and Shipping Licensing,



Dhr. ir. C. Hoppener

Human Environment and Transport Inspectorate
Shipping Certification,
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